

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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In Re:

Shiquera Nicole Pearsall

Debtor

Case No.: 19-30515 / MBK

Hearing Date: 5/19/2020

Chapter: 13

Judge: Michael B. Kaplan

CERTIFICATION IN RESPONSE TO THE TRUSTEE'S OBJECTION TO THE CHAPTER 13 PLAN

I, R. Cameron Legg, Esq., and the Law Offices of Oliver & Legg, LLC, hereby certify that I am an attorney at law in the State of New Jersey and our firm represents the debtor in the above captioned matter. On behalf of the Debtor and in support thereof, the following is in response to the Trustee's Objection to the Chapter 13 Plan and in support thereof states as follows:

1. On October 30, 2019, the Debtor filed a Chapter 13 Plan and Motions proposing a payment plan to pay \$237 per month starting November 1, 2019 for approximately 60 months.
2. The proposed plan payment is based off of the Debtor's "projected disposable income" to be received over the duration of the plan pursuant to 11 U.S.C. 1325(b)(1).
3. The Debtor's projected disposable income is calculated in the Debtor's Petition from the Debtor's "disposable income," which is calculated by the "current monthly income" received by the Debtor less amounts reasonably necessary to be expended pursuant to 11 U.S.C. 1325(b)(2)(A)(i) and (ii).
4. Debtor's current monthly income, in turn, is calculated by averaging the Debtor's monthly income received during what is referred to as the 6-month look-back period,

- which generally consists of the six full months preceding the filing of the bankruptcy petition. See section 101(10A)(A)(i).
5. That amount was calculated in schedule I as \$2,119.76, which is a result of income received from Shrewsbury Devine Dental and Complete Care by BDM, LLC from the period of April 12, 2019 through September 27, 2019, as detailed on Form 122C-1 with supporting, corresponding copies of all wages provided to the Chapter 13 Trustee. Specifically, pursuant to the payment detail in 122C, the income from Shrewsbury Devine Dental totals a net of \$7,276.27 over a period of 6 months, equalling \$1,212.71 per month. The income from Complete Care by BDM, LLC totals a net of \$4,605.01 over a period of 22 weeks, equaling \$907.05 per month. Those combined monthly incomes equal \$2,119.76.
 6. The Debtor's reasonable and necessary expenditures are listed in schedule J of the petition and reflect a total amount of \$1,882.
 7. Accordingly, the Debtor's "projected disposable income" is \$237.76 (\$2,119.76 less \$1,882), as reflected in the proposed Chapter 13 Plan.
 8. On December 9, 2019, the Trustee filed an Objection to the plan asserting that the debtor is not paying all disposable income into the plan and recommends a plan payment of \$668.87.
 9. The Trustee's calculations in determining the Debtor's plan are inconsistent with the Debtor's "projected disposable income" as reflected in Schedules I and J, and Form 122C with the supporting wages from the 6-month look-back period.

WHEREFORE, the Debtor respectfully requests that the Trustee's Objection be overruled and the proposed Chapter 13 Plan be confirmed.

Dated: 4/8/2020

/s/R. Cameron Legg
R. CAMERON LEGG, ESQ.
Attorney for Debtor